

BOARD MEETING MINUTES
Monday 17 January 2022,
videoconference

Present:

Mr Lindsay Montgomery, CBE, FRSE, Chairing Member
Sheriff Principal Aisha Anwar
Ms Neelam Bakshi
Mrs Liz Burnley, CBE
Mrs Deirdre Fulton
Ms Emma Marriott
The Hon. Lord Minginish, QC
Ms Morag Ross, QC
Professor Stephen Tierney
The Hon. Lady Wise, QC
Sheriff David Young, QC

In attendance:

Mr Stuart Scott, Appointments Manager
Mrs Julie Tarbet, Appointments Manager
Mr Andrew Cairns, Business Support Officer

Business conducted by correspondence since previous Board meeting

Due to tight timescales the Board agreed the Sheriff Principal Application pack by correspondence between this Board meeting and previous.

1. Welcome & Apologies / Declarations of Interest

1.1 Ms Bakshi made her standard declaration on social security.

1.2 The Board welcomed Lindsay Montgomery who was appointed as Lay Chairing Member from 1 January 2022 until 31 December 2025. The Board thanked Deirdre Fulton for her time spent as interim chairing member.

1.3 The Board welcomed Sheriff Principal Anwar to the Board. Sheriff Principal Anwar joined from 1 January 2022 and replaced the previous Sheriff Principal, Sheriff Principal Lewis.

2. Business from previous meeting

2.1 Minutes of Previous Meeting

2.1.1 The minutes from our December Board meeting were agreed.

2.1.2 The CM went through all previous action points at previous meeting and confirmed to Board the status of them. The BMU to reintroduce Action Tracker and look through previous meeting minutes to ensure all have been actioned.

2.1.3 The CM met with Sponsor Unit and raised his concerns regarding the vacant legal board member position. CM to have a discussion offline with Morag Ross regarding legislation and possible options the Board can explore for short term legal member.

2.1.4 The CM discussed the Boards workshop that was originally planned for afternoon of 17 January 2022, this was unable to go ahead due to Scottish Government guidelines.

BMU Action (1) – To reintroduce action tracker and have it live in key documents on Huddle.

BMU Action (2) – CM and Morag Ross to discuss potential scope for short term legal member.

BMU Action (3) – BMU to seek new dates to the Board for JABS Workshop.

3. Chairing Member's Update

3.1 CM oral update

3.1.1 The CM is shortly due to have an introductory meeting with the Lord President and with the Cabinet Secretary in February. A letter has been sent to various stakeholders suggest early meeting to hear their views.

3.1.2 There was discussion about the planned governance and leadership review. Apart from being expensive, it was agreed that this was not a good time to carry out such a review especially as a new Chairing Member was now in post. It was agreed that a better, more proportionate , approach was to set up a small subgroup of Board Members and the Chief Executive to oversee some governance review work to be carried out by a consultant with appropriate public body experience the Group is to comprise Deirdre Fulton, Neelam Bakshi, the Chief Executive and the Chairing Member. Potential for a legal member of the Board to be included if their diary allows. Their findings will be brought back to Board for approval.

3.1.3 The CM said that he had discussed with the Sponsor Division the need to review and revise Members' letters of appointment to better reflect the demand led nature of JABS work. More generally he had expressed concern about the excessively large workload of the Board Members and ,as the Board had recognised previously , this was unsustainable. The lack of a Solicitor Member was exacerbating the difficulties being faced by Judicial and legal Members. There were several options available to address these difficulties including Ministers appointing additional members and JABS appointing Legal Assistants. The Board agreed that actions be put in place to recruit Legal Assistants. Other options would be discussed with SG.

3.1.4 Following discussion the Board agreed to urgently seek Legal Assistants, the role to potentially be named Legal Advisors to the Board.

4. Interim Chief Executive's update

4.1 CE Report

4.1.1 Board accepted the ICE's report as set out. The Board supported the ICE views to recruit more staff.

4.2 Assurance of Governance Q3

4.2.1 Assurance of Governance, Risk Register and Finance Report were considered by the Board and agreed to approve the compliance set out in the Assurance of Governance report.

4.2.2 The Board agreed the need for the Board to keep a close eye on risk , that the risk register should come to the Board more frequently than the current quarterly reporting and discussion.

5. LTC President – Board Decision

5.1 Board Decision Paper

5.1.1 On 10 September 2021, the Board received a formal request from the Scottish Government, for the recommendation of one individual for appointment as President of the Local Taxation Chamber of the First-tier Tribunal for Scotland. The request was made under section 9(2) of the Judiciary and Courts (Scotland) Act 2008.

5.1.2 This was the second time JABS had been asked to run this competition in quick succession, after the initial competition had resulted in the Board advising the Scottish Government on 9 September 2021 that they were unable to make a recommendation for appointment.

5.1.3 The advert launched on Thursday 7 October 2021 and ran until noon on Thursday 4 November 2021. The number of applications was very disappointing.

5.1.4 The Board considered the Panel's recommendation and agreed that no recommendation could be made to the Scottish Government for appointment.

6. Competitions

6.1 Current Competitions

6.1.1 There are currently 3 recruitment rounds in progress: Senator, Sheriff Principal and Local Taxation Chamber Members (Legal and Surveyor).

6.2 Upcoming competition: Sheriff 2022

6.2.1 The Board discussed the upcoming Sheriff Competition.

6.2.2 If Scottish Guidelines allow the Board and BMU need time to allow and prepare for physical or Hybrid interviews.

6.3 Upcoming competition: LTC Ordinary member (valuation experience)

6.3.1 The Board discussed the upcoming LTC Ordinary Member recruitment round.

7. Board protocols

7.1 Longlisting policy

7.1.1 The Board agreed previously that longlisting should be used for any appointment round over 50 applicants. This would allow the BMU to prepare all documents before sending to the Board. The Board agreed to allow individual panels to make the decision if they wish to use longlisting or not and that the number 50 was a general guide not a fixed demarcation line. The Board agreed adequate time would need to be given to the BMU to make appropriate arrangements

BMU Action (5) – BMU to have a think about the process and how to make this manageable

7.2 Use of pre-written judgements

7.2.1 The Board agreed to allow a pre-written judgement as part of the civil case study for the upcoming Sheriff Principal Round. This would allow candidates 1 week to complete and give the legal panel members 3-5 days for marking. A Criminal case study would still be used on the day

7.3 JABS' role in location of posts

7.3.1 JABS received an email from the Lord President's office indicating that the Lord President would be content to allocate Judicial posts to recommended candidates. JABS will continue to ask a location preference from applicants.

8. BMU operational changes

8.1 Phase One changes to BMU operations

8.1.1 The Board supported the general direction set out in the paper. There was discussion about the need to ensure there were sufficient project and management resources in place to plan and implement these changes.

BMU Action Point (6) ICE to consider the planning and resourcing requirements to enable these changes.

9. Any Other Business

9.1 Chairing Member indicated the importance of going to in person meetings as soon as Scottish Government Guidelines allow. Planning would need to be undertaken in order to put this in place.

10. Meeting Close

Meeting closed at 12.30.